

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 5954 of 2005

Between:

Mr. B. Venugopal, S/o. Narsaiah,
R/o. 2-5-6, Opp : Laxmiraj Complex, Jawahar Road, Nizamabad.

..... PETITIONER

AND

1 The Chairman & Managing Director,

A.P. Transmission Corporation Ltd.
Khairatabad, Hyderabad.

2 AP Northern Power Distribution Company Limited,

Rep by its Chairman & Managing Director, Warangal.

3 Chief General Manager (HRD),

AP Northern Power Distribution Company Limited,
Corporate Office, Warangal - 506 004.

4 Supdt. Engineer, Operation Circle, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, Direction, Writ more particularly one in the nature of "WRIT OF MANDAMUS restraining the respondents from giving effect to the speaking order in Lr.No. CGM(HRD)/GM(S)/AS-II/PO.IV/497/04 dated 31-12-2004 and set aside the same and consequently direct the respondents to appoint the petitioner for the post of LDC forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner :Mr.S.RAVINDRANATH

Counsel for the Respondents: MR.KISHORE SAMINENI (SC FOR AP

TRANSCO)

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned proceedings of the third respondent dated 31-12-2004.

According to the petitioner, he worked as a contract labour during the period from 01-04-1992 to 31-08-1999 with the contractor by name M/s. Srinivasa Engineers, Nizamabad. As the respondent authorities have framed a scheme for absorption of the contract labour in terms of B.P.Ms.No.36, dated 18-05-1997, the petitioner has also claimed the same benefits. As the petitioner's claim was rejected on the earlier occasion, the petitioner along with others filed Writ Petition No.5746/2003. This court disposed of the said Writ Petition along with a batch of writ petitions on 28-10-2004 with

a direction to consider the case of the petitioner for absorption in terms of the said B.P.Ms.No.36, dated 18-05-1997. The third respondent, in pursuance of the directions of this Court, passed the impugned order. But, the grievance of the petitioner is that the third respondent did not apply his mind and did not consider the case of the petitioner except referring to the claims made by the petitioner and the observations of this Court, which are extracted in sub Paras 1 and 2 of Para – 3. Aggrieved by that, the petitioner has come up with the present writ petition.

The learned counsel for the petitioner contended that the third respondent did not apply his mind before passing the impugned order. There is a specific direction by this Court to consider the cases of the petitioners on merit, therefore, the third respondent is expected to consider the facts of the case of the petitioner and pass appropriate orders either accepting or rejecting for absorption in terms of B.P.Ms.No.36, dated 18-05-1997. But, mechanically, an order has been passed without applying the mind.

Heard the learned counsel for the petitioner and the learned standing counsel.

Admittedly, the petitioner is at Sl.No.9 in the Writ Petition No.5746/2003, which was disposed on 28-10-2004 along with batch of writ petitions. This Court while setting aside the earlier proceedings of the respondents directed the respondents to consider the cases of the petitioners therein and the relevant portion of the order is as under:

“Accordingly, the Writ Petitions are allowed directing the respondents to consider the cases of the petitioners in the light of the aforesaid observations for their absorption pursuant to the orders in B.P.Ms.No.36, dated 18-5-1997. If any of the petitioners are not found eligible or qualified, communicate the reasons individually to the petitioners within Eight Weeks from, the date of receipt of a copy of this order.”

In pursuance of the above direction, the 3rd respondent is expected to consider the case of the petitioner, but the 3rd respondent referred to the agreements shown in the service certificate produced by the petitioner, which was issued by his contractor and thereafter in another Paragraph, the observations made by this Court in another writ petition were extracted and that was shown as the reason for rejection of the claim of the petitioner. The impugned order clearly shows that the respondent has not applied his mind and perhaps did not understand the scope of the directions given by this Court.

Pursuant to the directions of this court extracted above, the 3rd respondent is expected to consider the facts of the petitioner's case and pass appropriate orders either absorbing the petitioner or rejecting his case, and if it is to be rejected, the third respondent is expected to give detailed reasons with reference to the facts of the petitioner's case. If this Court passed an order in particular facts of a different case, those directions or observations cannot be adopted in the present case, as the directions in the present case are totally different.

Under the above circumstances, the writ petition is allowed setting aside the impugned order, and the 3rd respondent is directed to pass a detailed order, applying his mind to the facts of the petitioner's case without reference to the

observations, which he had extracted in Para 3(ii), within a period of Four Weeks from the date of receipt of a copy of this order. No order as to costs.

S. ANANDA REDDY, J.

Dated: 11..07..2005

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To

1. The Chairman & Managing Director,
A.P. Transmission Corporation Ltd.
Khairatabad, Hyderabad.

2 Chairman and Managing Director,
AP Northern Power Distribution Company Limited,
Warangal.

3 Chief General Manager (HRD),
AP Northern Power Distribution Company Limited,
Corporate Office, Warangal - 506 004.

4 Superintendent Engineer,
Operation Circle, Nizamabad.

5 Two CD copies